

REMARKS

This is in response to the Office Action of March 26, 2009.

I. SUMMARY OF OFFICE ACTION

In the Office Action, the Examiner required Applicant to elect one of the following inventions for examination. Group A drawn to a culture medium and a kit comprising a culture medium and laboratory means. Group B drawn to a method of making a culture medium. Group C drawn to a method of using a medium to culture cells. Additionally, the Examiner noted that if Group C is elected for examination, then Applicant must further elect one of the following Species, namely, A) stem cell, B) endodermal cell, C) ectodermal cell, D) mesodermal cell, E) NK cell, F) dendritic cell, and G) endothelial cell.

II. APPLICANT'S RESPONSE

By this amendment, Applicant elects Group C drawn to a method of using a medium to culture cells for examination. This election is made with traverse. The claims encompassing the elected invention are Claims 53-59.

The reasons for the traverse are based on the disclosure of Aiuti, et al. (paragraph at page 1646). The cited section refers to a situation of “co-culture” of cells, where cells to be grown are cultured together with the conditioned medium-producing cells, i.e., the Met-Muriane-Hepatocytes.

On the contrary, the present set of claims has, as a unifying feature, the MMH-conditioned medium used alone, i.e., in the absence of any conditioning (MMH) cell, or after said conditioning cells have been removed, as clearly described in the process for its preparation, at page 6, lns. 14-15.

Therefore, the disclosure of Aiuti, et al. does not anticipate the presently claimed feature nor render it obvious, because it also points, at page 1653, second paragraph, to the need for a “direct contact between the hepatocyte feeder layer and hematopoietic cells” for maintenance of progenitor cells.

Thus, the unity of invention between Groups A-C is maintained.

Since Applicant has elected Group C for examination, according to the Office Action, Applicant must now further elect one of Species A-G identified on page 3 of the Office Action. Applicant elects Species A directed to a stem cell for examination. This species election is made without traverse. The claims encompassing the elected species are Claims 53-55.

III. CONCLUSION

For the foregoing reasons, Applicant respectfully submits that all issues presented in the Office Action of March 26, 2009 have been addressed. Applicant respectfully requests consideration or examination of the currently pending claims.

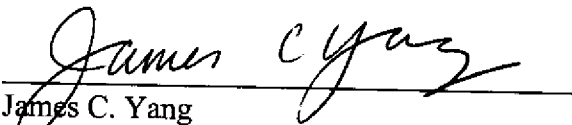
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Respectfully submitted,

Date: May 26, 2009

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